



Express Mail Label No. ER 216621793 US

Docket No.: C15043/91752DIV3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Divisional Application of : )  
Paul N. HOLVOET and Désiré J. COLLEN ) Parent Examiner: L. Cook  
Parent Serial No.: 10/802,709 ) Parent Art Unit: 1641  
Parent Filed: March 17, 2004 )  
For: ASSAYS, ANTIBODIES, AND )  
STANDARDS FOR DETECTION OF )  
OXIDIZED AND MDA-MODIFIED )  
LOW DENSITY LIPOPROTEINS )

**REQUEST FOR FILING A RULE 1.53(b) PATENT APPLICATION**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a request for filing a divisional of pending U.S. Patent Application No. 10/802,709, filed March 17, 2004 (issue and publication fees mailed April 24, 2007), which is a divisional of U.S. Patent Application No. 09/446,259, filed December 20, 1999, now U.S. Patent No. 6,727,102, which is the national stage in the United States of International Application No. PCT/EP97/03493, filed July 1, 1997, which claims priority to PCT/EP97/03287, filed June 20, 1997. All benefit, including priority rights under 35 U.S.C. §§ 119 and 120, under, of, and to those applications for the present application is hereby claimed. **NOTE THAT A REQUEST FOR FILING ANOTHER DIVISIONAL OF SN 10/802,709 IS ALSO BEING FILED.**

1. ☒ A copy of the prior application, including the declaration and power of attorney, as originally filed in the parent case is enclosed.
2. ☐ Copies of amendments filed \_\_\_\_\_ and \_\_\_\_\_ to "complete" the parent application are enclosed. The amendments do not introduce impermissible new matter into that application.

3. ☒ The filing fee is calculated below on the basis of the claims in the parent application as originally filed plus or minus any claims added or canceled by amendment (see items 6 and 7, below):

Claims as Filed, Plus/Minus Any Claims Added/Canceled Below And/Or By Amendment				
For	Number Filed	Number Extra	"Large Entity" Rate	"Large Entity" Fee
Basic Fee	N/A	N/A	N/A	\$ 300.00
Search Fee	N/A	N/A	N/A	\$ 500.00
Examination Fee	N/A	N/A	N/A	\$ 200.00
Total Claims	20	0 (over 20)	x \$50 =	\$ 0.00
Independent Claims	3	0 (over 3)	x \$200 =	\$ 0.00
Application Size Fee	N/A	N/A	N/A	\$ 0.00
Multiple Dependent Claims	N/A	N/A	N/A	\$ 0.00
Total Filing Fees				<b>\$ 1,000.00</b>

- a. ☒ A check in the amount of \$1,000.00 to cover the filing fee is enclosed. If our check is missing or otherwise insufficient, or if any additional fees are required, please charge (or credit any overpayment) to Deposit Account No. 02-4467. A duplicate copy of this paper is enclosed.
- b. ☐ Please charge Deposit Account No. 02-4467 in the amount of \$\_\_\_\_\_. A duplicate copy of this paper is enclosed.
4. ☒ For this continuing application and the parent application, the Commissioner is hereby authorized to charge payment of the following fees, or to credit any overpayment, to Deposit Account No. 02-4467. A duplicate copy of this paper is enclosed.
- a. ☒ Any fees required under 37 C.F.R. § 1.16 not otherwise paid by check.
- b. ☒ Any fees required under 37 C.F.R. § 1.17 not otherwise paid by check.
- c. ☒ Any additional Assignment recording fees under 37 C.F.R. § 1.21(h) not otherwise paid by check.

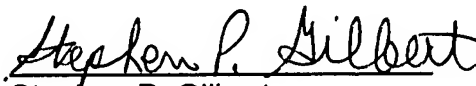
5. ☒ Amend the specification by inserting before the first line the sentence:
- - This is a divisional of U.S. Patent Application No. 10/802,709, filed March 17, 2004 (now U.S. Patent No. \_\_\_\_\_), which is a divisional of U.S. Patent Application No. 09/446,259, filed December 20, 1999, now U.S. Patent No. 6,727,102, which is the national stage in the United States of International Application No. PCT/EP97/03493, filed July 1, 1997, which claims priority to PCT/EP97/03287, filed June 20, 1997. All benefit, including priority rights under 35 U.S.C. §§ 119 and 120, under, of, and to those applications for the present application is hereby claimed. - -
6. ☒ Please cancel claims 2-55 as originally filed before calculating the filing fee.
7. ☒ A Preliminary Amendment is enclosed. Please enter it before calculating the filing fee.
8. ☒ The prior application is assigned of record to LEUVEN RESEARCH & DEVELOPMENT VZW.
9. ☐ The prior application is not assigned. An assignment to \_\_\_\_\_, a Recordation Cover Sheet, and a check for \$\_\_\_\_\_ to cover the recording fee are enclosed. If our check is missing or otherwise insufficient, or if any additional fees are required, please charge (or credit any overpayment) to Deposit Account No. 02-4467.
10. ☒ Address all communications (written and oral) to:
- Stephen P. Gilbert, Esq.  
BRYAN CAVE LLP  
1290 Avenue of the Americas  
New York, NY 10104-3300
- Phone: (212) 541-2000  
Fax: (212) 541-4630
11. ☒ Drawings are part of this application.
- a. ☐ Transfer the drawings from the parent application to this Rule 1.53(b) application and abandon the parent application as of the filing date accorded this application. A duplicate copy of this paper is enclosed for filing in the parent case.
- b. ☐ New formal drawings (\_\_\_\_ sheets of drawings) are enclosed.
- c. ☒ Formal drawings (6 sheets of drawings) are enclosed. The undersigned hereby verifies that these drawings are true copies of

the drawings in parent U. S. Patent Application Serial No. 10/802,709, filed March 17, 2004, as originally filed.

12. ☐ A Sequence Listing is part of this application.
- a. ☐ A Sequence Listing in both paper and computer readable form (diskette) as required by 37 C.F.R. § 1.821 et seq. is enclosed.
- b. ☐ A statement that the content of the paper and computer readable Sequence Listing are the same and that no new matter has been added is enclosed, pursuant to 37 C.F.R. § 1.821.
- c. ☐ A request to transfer previously filed sequence information pursuant to 37 C.F.R. § 1.821 is enclosed.
13. ☐ A computer source code listing is part of this application (see 37 C.F.R. § 1.96).
- a. ☐ A compact disc in accordance with 37 C.F.R. § 1.52(e) is enclosed.
14. ☐ Small entity status is claimed.
- a. ☐ A verified statement claiming small entity status is enclosed.
- b. ☐ A verified statement claiming small entity status appears in U.S. Patent Application Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and small entity status is claimed for this application as well.
15. ☒ As noted above, this application is a divisional of U.S. Patent Application No. 10/802,709, filed March 17, 2004, which is a divisional of U.S. Patent Application No. 09/446,259, filed December 20, 1999, which is the national stage in the United States of International Application No. PCT/EP97/03493, filed July 1, 1997, which claims priority to PCT/EP97/03287, filed June 20, 1997. All benefit, including priority rights under 35 U.S.C. §§ 119 and 120, under, of, and to those applications for the present application is hereby claimed. Thus, priority under 35 USC § 119 is being claimed based on Application No. PCT/EP97/03287, filed June 20, 1997 in the European Patent Office.
- a. ☒ A certified copy of the priority document is already of record with respect to grandparent U.S. Patent Application Serial No. 09/446,259, filed December 20, 1999, which is the national stage of PCT/EP97/03493, filed July 1, 1997.
- b. ☐ The certified priority document(s) is(are) enclosed herewith for filing in this case.
- c. ☐ Certified copies of the priority document(s) will follow.

16. [x] The current power of attorney is to Stephen P. Gilbert et al. The power is of record in grandparent U.S. Application Serial No. 09/446,259, filed December 20, 1999, and is also shown in the enclosed copy of the declaration and power of attorney filed in the parent application (see item 1, above).
17. [ ] A new associate power of attorney is enclosed.
18. [ ] A copy of a petition for extension of time filed in the parent application is enclosed.
19. [x] An Information Disclosure Statement is enclosed.
20. [x] A copy of a substitute inventors' declaration, which was filed in grandparent U.S. Patent Application Serial No. 09/446,259, filed December 20, 1999, to respond to a concern of the Examiner's, is enclosed.
21. [x] A copy of "Declaration On Behalf Of Assignee Concerning Deposit Of Microorganisms," which was filed in grandparent U.S. Patent Application Serial No. 09/446,259, filed December 20, 1999, to respond to a concern of the Examiner's, is enclosed.
22. [x] The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

  
Stephen P. Gilbert  
Registration No. 27,893

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